

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELBA FORD,

Plaintiff,

v.

MICHELLE FRIEDLAND and DALE
DROZD,

Defendants.

No. 1:20-cv-01132-AWI-SKO

**ORDER DENYING PLAINTIFF'S
APPLICATION TO REOPEN THE CASE
AND FOR LEAVE OF COURT**

(Doc. 11)

On August 14, 2020, Plaintiff filed a complaint against judicial officers Michelle T. Friedland and Dale A. Drozd in their personal capacities alleging constitutional violations that allegedly occurred during the course of a prior forfeiture proceeding. (*See* Doc. 1.) Plaintiff alleges that Defendants “are concealing and prolonging the underlying IRS record falsification program used to foment the appearance of cases/controversies cognizable to U.S. Courts, when no such controversy in fact exists, absent falsified IRS digital and paper records.” (*See id.* at 1.)

Plaintiff filed an application for leave to permit non-parties Michael B. Ellis and Robert A. McNeil to assist her in litigating her suit, pursuant to an order issued by the Honorable Christopher R. Cooper, District Judge of the United States District Court for the District of Columbia, in *In Re*

1 *McNeil and Ellis Pre-Filing Injunction*, Case No. 1:18-mc-00011-CRC (D.D.C. April 3, 2018).¹
2 (Doc. 7.) On August 28, 2020, prior to the adjudication of her application for leave, Plaintiff filed
3 a “Notice of Suit Termination/Motion to Withdraw Suit” voluntarily dismissing her case without
4 prejudice (Doc. 9), and on September 2, 2020, the Court closed the case (Doc. 10).

5 On October 16, 2020, Plaintiff filed another application for leave to permit Messrs. Ellis
6 and McNeil to assist her in litigating her suit. (*See* Doc. 11.) The caption of the application names
7 Defendant Friedland, removes Defendant Drozd, and adds judicial officers William Cameron
8 Canby and Elena Kagan as additional defendants. (*See id.*)

9 Although Plaintiff’s intent is unclear, the Court construes her second application as a request
10 to reopen her case and for leave once again to permit assistance by Messrs. Ellis and McNeil. A
11 voluntary dismissal under Rule 41, however, divests the court of jurisdiction upon the filing of the
12 notice. *United States v. Real Property Located at 475 Martin Lane, Beverly Hills, CA*, 545 F.3d
13 1134, 1145 (9th Cir. 2008). Therefore, when Plaintiff filed the notice of voluntary dismissal
14 pursuant to Rule 41(a)(1) on August 28, 2020, the case was terminated, and this Court was divested
15 of jurisdiction over Plaintiff’s case.

16 Because the Court lacks jurisdiction over Plaintiff’s case, her application seeking to reopen
17 the case and for leave of court (Doc. 11) is DENIED. The Court DIRECTS the Clerk to send a
18 copy of this Order to Plaintiff at her address listed on the docket for this matter.

19
20 IT IS SO ORDERED.

21 Dated: October 21, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

22
23
24
25
26 ¹ In pertinent part, the order permanently enjoins Messrs. Ellis and McNeil from “[f]iling, or assisting in the filing of,
27 any civil action in any United States District Court, without first obtaining leave of that court, asserting or purporting
28 to assert claims against judicial officers, whether in their official or personal capacities, challenging the merit, the
substance, and/or the process of those judicial officers’ decisions with respect to the Internal Revenue Service’s
program for preparing to assess and assessing income tax liabilities pursuant to 26 U.S.C. § 6020(b).”